

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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GAVIN FINDERS, et al., : 19 Civ. 11802 (ALC) (RWL)

Plaintiffs, :  
:  
- against - : ORDER  
:  
BK 19 INC., et al., :  
:  
Defendants. :  
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**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

The Court is in receipt of Defendants' request – made via-email (attached to his order) by James D. Burchetta, Esq., an attorney not associated with this case – for an extension of today's deadline for Defendant BK 19, Inc. to appear through counsel. As an initial matter, this Court notes that its Individual Rules of Practice mandate that such requests be filed electronically on ECF "without email or other copy to Chambers." But, in light of the circumstances presented in the attached correspondence, the Court will grant the requested, one-week extension to the July 15, 2020 deadline for Defendant BK 19, Inc. to appear through counsel.

Accordingly, by July 22, 2020, BK 19, Inc. shall appear by counsel, as a corporate entity may not proceed *pro se*. Failure to appear by counsel by July 22, 2020 will result in BK 19, Inc. being in default. All deadlines are stayed until July 22, 2020, at which time they shall resume. The individual Defendant will be deemed to be proceeding *pro se* unless and until counsel appears on his behalf.

SO ORDERED.



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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: July 15, 2020  
New York, New York

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**From:** James D. Burchetta Esq <James@Burchettalaw.com>  
**Sent:** Wednesday, July 15, 2020 2:27 PM  
**To:** Lehrburger NYSD Chambers; Christopher Brown  
**Subject:** RE: 19 CIV 11802

I don't have access to ECF. I spoke with Chris Brown. He has agreed to a one week adjournment. I would ask Mr Brown to file our emails in the case as the court has requested. Sorry for the confusion here

James D Burchetta, Esq  
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**From:** Lehrburger NYSD Chambers <Lehrburger\_NYSDChambers@nysd.uscourts.gov>  
**Sent:** Wednesday, July 15, 2020 2:07 PM  
**To:** James D. Burchetta Esq <James@Burchettalaw.com>; Christopher Brown <cbrown@brownrosen.com>  
**Subject:** RE: 19 CIV 11802

Counsel –

The Court is in receipt of the below correspondence. Mr. Burchetta, please file a letter on ECF summarizing the below request as soon as possible, and the Court will consider and rule on it. Thank you.

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**From:** James D. Burchetta Esq <[James@Burchettalaw.com](mailto:James@Burchettalaw.com)>  
**Sent:** Wednesday, July 15, 2020 1:13 PM  
**To:** Christopher Brown <[cbrown@brownrosen.com](mailto:cbrown@brownrosen.com)>; Lehrburger NYSD Chambers <[Lehrburger\\_NYSDChambers@nysd.uscourts.gov](mailto:Lehrburger_NYSDChambers@nysd.uscourts.gov)>; James D. Burchetta Esq <[James@Burchettalaw.com](mailto:James@Burchettalaw.com)>  
**Subject:** RE: 19 CIV 11802

Dear Judge  
What Mr Brown says is accurate. I know this may not be proper procedure but I do not handle litigation like this. The pandemic and quarantine in NY has affected them in some way. They don't understand the seriousness of this. I have explained what they have to do.  
I am doing this pro se and in the interest of everyone.

I am asking for the courtesy of a brief adjournment on behalf of defendants who do not understand the order. Even one week. The lawyer they have is not around until next week .

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**From:** Christopher Brown <[cbrown@brownrosen.com](mailto:cbrown@brownrosen.com)>  
**Sent:** Wednesday, July 15, 2020 1:02 PM  
**To:** James D. Burchetta Esq <[James@Burchettalaw.com](mailto:James@Burchettalaw.com)>; [lehrburger\\_nysdchambers@nysd.uscourts.gov](mailto:lehrburger_nysdchambers@nysd.uscourts.gov)  
**Subject:** RE: 19 CIV 11802

Hon. Judge Lehrburger:

I don't believe this email is appropriate or permissible pursuant to your Individual Part Rules 1(A), however, I am compelled to respond. For the first time, I heard from Attorney Burchetta last night, at approximately 930pm. He indicated that he did not have any documents in the case and I forwarded him Attorney Baum's Motion to Withdraw and the Court's Order dated June 17, 2020.

Attorney Burchetta requested a one week extension of the Court's Order at 9:59pm last night via email (I have the email). I informed him that I did not have the power to extend the Court's Order and informed him to file a motion for an extension. I also informed him that I would not oppose his motion for an extension of one week. It now appears the extension is not requested for Attorney Burchetta to appear as counsel, but for another unnamed attorney.

Christopher Brown, Esq.  
Managing Member  
Brown & Rosen LLC  
Attorneys At Law  
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**From:** James D. Burchetta Esq [mailto:[James@Burchettalaw.com](mailto:James@Burchettalaw.com)]  
**Sent:** Wednesday, July 15, 2020 12:14 PM  
**To:** Christopher Brown <[cbrown@brownrosen.com](mailto:cbrown@brownrosen.com)>; [lehrburger\\_nysdchambers@nysd.uscourts.gov](mailto:lehrburger_nysdchambers@nysd.uscourts.gov); James D. Burchetta Esq <[James@Burchettalaw.com](mailto:James@Burchettalaw.com)>  
**Subject:** 19 CIV 11802

Dear Judge Lehrburger

I am contacting you on behalf of the defendants in the above matter. There is an order of the court dated June 17, 2020 which directs that defendants must appoint client counsel by today.

I am respectfully request a two week adjournment for them to comply. The lawyer who intended to do this is out of the state.

I communicated with Mr. Brown counsel for the plaintiff by email. My understanding is that he will not consent but will not oppose my application.

Please advise if this is acceptable.

I've added Mr. Brown to this email communication with the request that he confirm the above.

Respectfully

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